

THIRTY-FIFTH DAY
(Wednesday, March 25, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Washington.

A quorum was announced present.

The Reverend John Kieschnick, pastor of Gloria Dei Lutheran Church, Nassau Bay, offered the invocation as follows:

Before I speak a word of prayer this morning, I'd like to share with you an incident which occurred in my life two and a half weeks ago. On the second Sunday in March it was my privilege to worship in the church where I was raised in my childhood, in historic Walburg, a small German community 35 miles north of here. During the service, one of the worship leaders read the various prayer requests which members had written on pieces of paper. One of the requests touched me in a special way, and I hope it will you too. It said simply, "Pray that the Congress and the President get their act together." That is what the citizens of this great State are praying for you as well.

So let us pray: Gracious Father, You have promised to hear the prayers of those who come to You in faith. We come this morning in faith before You. This day we ask especially that You would guide this assembly of State leaders, helping them also to "get their act together." To this end, give them the faith they need to accomplish the important tasks before them. Grant them the hope that nothing is impossible if they place their confidence in You. Bless them with the love that manifests itself in a great concern for all of Your people.

Finally, give them the courage to change what needs to be changed in the days to come, the serenity to accept what need not be changed, and the wisdom to recognize the difference. Hear us, O Father, for we pray in faith in Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
March 25, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 36, Relating to the regulation of persons engaged in the business of removing or encapsulating asbestos; providing penalties.

H.C.R. 123, Honoring Charles T. Ramsey.

S.C.R. 51, Inviting the Honorable C. Everett Koop, M.D., U.S. Surgeon General, U.S. Public Health Service to address a Joint Session at 9:30 a.m., Thursday, March 26, 1987.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

S.C.R. 45

S.C.R. 42 (Amended)

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 244 (Amended)

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 200

Senator McFarland submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 33

C.S.S.B. 17

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 564

S.B. 489

S.B. 488

C.S.S.B. 363

C.S.S.B. 790

C.S.S.B. 402

C.S.S.B. 340

C.S.S.B. 753

Senator Caperton submitted the following report for the Committee on Jurisprudence:

H.C.R. 29

H.C.R. 30

S.B. 701

S.B. 893 (Amended)

S.B. 927

S.B. 473

S.B. 198

S.B. 842

S.B. 652

S.B. 919
S.J.R. 35

Senator Parker submitted the following report for the Committee on Education:

S.B. 794
S.B. 543 (Amended)
S.B. 535

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the BOARD OF REGENTS, TEXAS STATE UNIVERSITY SYSTEM: Norman D. Elder, Val Verde County.

To be Members of the BOARD OF REGENTS, STEPHEN F. AUSTIN STATE UNIVERSITY SYSTEM: L. Kelly Jones, Tarrant County; Mrs. Peggy Wedgeworth Wright, Nacogdoches County.

To be Members of the BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM: Louis A. Beecherl, Jr., Dallas County; Sam E. Barshop, Bexar County; W. A. "Tex" Moncrief, Jr., Tarrant County.

To be Members of the BOARD OF REGENTS, THE TEXAS A&M UNIVERSITY SYSTEM: Douglas R. DeCluitt, McLennan County; William A. McKenzie, Dallas County; Wayne A. Showers, Hidalgo County.

GUEST PRESENTED

Senator McFarland was recognized and introduced Dr. Harold Nachimson of Irving, the Capitol Physician for the Day.

Dr. Nachimson was welcomed and received the appreciation of the Senate for his service.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILLS ON FIRST READING

On motion of Senator Harris and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1343 by Harris State Affairs
Relating to retailer entertainment by manufacturers and imposing restrictions thereon; amending Section 102.07 of the Alcoholic Beverage Code, as amended, and amending Section 102.15 of the Alcoholic Beverage Code, as amended, and declaring an emergency.

S.B. 1344 by Harris State Affairs
Relating to the financial interest of an affiliate of a manufacturer with a general, local or branch distributor, amending Section 102.18, Texas Alcoholic Beverage Code, and declaring an emergency.

S.B. 1345 by Washington Intergovernmental Relations
Relating to the authority of a commissioners court of a county to engage in community and economic development projects.

S.B. 1346 by Green Jurisprudence
Relating to the qualifications of interpreters for the deaf in certain proceedings.

S.B. 1347 by Green Criminal Justice
Relating to the fees for services of peace officers.

S.B. 1348 by Brooks, Parmer Jurisprudence
Relating to fees and costs that may be charged in a proceeding for a protective order.

S.B. 1349 by Lyon Intergovernmental Relations
Relating to the reorganization of the 86th Judicial District and to the creation of a judicial district composed of Rockwall County.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 275, To Committee on Jurisprudence.

H.B. 558, To Committee on Jurisprudence.

H.B. 592, To Committee on Criminal Justice.

H.B. 869, To Committee on Criminal Justice.

CO-AUTHOR OF SENATE JOINT RESOLUTION 29

On motion of Senator Edwards and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.J.R. 29**.

CO-AUTHOR OF SENATE BILL 298

On motion of Senator Edwards and by unanimous consent, Senator Brooks will be shown as Co-author of **S.B. 298**.

CO-AUTHOR OF SENATE BILL 686

On motion of Senator Zaffirini and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.B. 686**.

CO-AUTHOR OF SENATE BILL 721

On motion of Senator Edwards and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.B. 721**.

CO-AUTHOR OF SENATE BILL 1019

On motion of Senator Zaffirini and by unanimous consent, Senator Tejeda will be shown as Co-author of **S.B. 1019**.

GUESTS PRESENTED

Senator Sims was recognized and introduced Linda Brown of South Africa and Ricardo Laguna of Brazil.

These young exchange students, living in Kerrville, were welcomed by the Senate.

SENATE RESOLUTION 226

Senator Edwards offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to join with the citizens of Corsicana as they joyously celebrate Corsicana Day at the State Capitol on March 25, 1987; and

WHEREAS, Named after Corsica, the homeland of Jose Antonio Navarro's parents, Corsicana's growth and development has mirrored that of the State of Texas; and

WHEREAS, Established in 1849, Corsicana was a recognized educational center by 1860, and its citizens continue to uphold high academic standards and excellence in local schools; and

WHEREAS, Steeped in Texas heritage and tradition, Corsicana is the hometown of many distinguished political and civic leaders, including United States Senator Roger Q. Mills and Lieutenant Governor George T. Jester; and

WHEREAS, Danny Nicholson, "the Velvet Ice Cream Man," and the dean of American Black actors, Rex Ingram, are among the able, imaginative, and innovative citizens to come from Corsicana; and

WHEREAS, When oil was first drilled on June 6, 1895, Corsicana's disappointed citizens, hoping for water, were unaware of the impact the discovery would have for future generations; and

WHEREAS, Faced with the problems and pleasures of a prosperous boom-town economy, Corsicana's farsighted and progressive city fathers encouraged growth and diversification, and today Corsicana is a wholesale-retail center for Navarro County with an impressive industrial base; and

WHEREAS, Bon vivants and hearty eaters alike recognize Corsicana as the home of the Collin Street Bakery, whose DeLuxe Fruit Cake has pleased customers in more than 140 nations, and Wolf Brand Products, whose chili is a staple in most Texas homes; and

WHEREAS, Corsicana's chief asset remains its warm and hospitable citizens, who open their hearts and homes to the city's welcome visitors; and

WHEREAS, The manifold accomplishments and achievements of the City of Corsicana and its citizens are truly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby extend sincere best wishes to the citizens of Corsicana for a most memorable celebration of Corsicana Day; and, be it further

RESOLVED, That a copy of this resolution be prepared for the City of Corsicana as a memento of this grand occasion.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Edwards introduced a large delegation of Corsicana citizens seated in the gallery.

SENATE CONCURRENT RESOLUTION 72

Senator Caperton offered the following resolution:

S.C.R. 72, In memory of former State Representative Lloyd M. Guffey.

The resolution was read.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Caperton escorted Mr. Guffey's daughter, Mrs. Gayle A. Guffey, and granddaughters, Sarah Minchew and Amanda Guffey Minchew, to the President's Rostrum.

The President presented an enrolled copy of **S.C.R. 72** to Mrs. Guffey.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 24, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

On March 18, 1987, I nominated Mr. Harris Brin II of Dallas for appointment to the Texas Hospital Equipment Financing Council for a term to expire July 17, 1987. Mr. Brin has asked that his name be withdrawn; therefore, I request that the Senate return the appointment to this Governor.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 25, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE FAMILY PRACTICE RESIDENCY ADVISORY
COMMITTEE:

For a term to expire August 29, 1989:

GEORGIA HAWKS SWIFT
2401 West 26th Street
Amarillo, Texas 79109

Mrs. Swift will be replacing Lillirene Ferrell of Houston whose term expired.

TO BE A MEMBER OF THE FINANCE COMMISSION OF TEXAS, SAVINGS
AND LOAN SECTION:

For a term to expire February 1, 1993:

R. DARY STONE
Suite 1001 East
5080 Spectrum Drive
Dallas, Texas 75248

Mr. Stone will be replacing W. R. Vance of Bryan whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF HEALTH:

For a term to expire February 1, 1993:

FRANK BRYANT, JR., M.D.
1954 E. Houston Street
San Antonio, Texas 78202

Dr. Bryant is being reappointed.

TO BE A MEMBER OF THE TEXAS COMMISSION FOR THE DEAF:

For a term to expire January 31, 1989:

DONALD HOWARD ENGLAND
11400 Burnet Road
Austin, Texas 78758

Mr. England will be filling the unexpired term of Jerry G. Hassell of Austin who resigned.

TO BE A MEMBER OF THE TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY, BOARD OF DIRECTORS:

For a term to expire February 1, 1989:

MILTON J. GUIBERTEAU, M.D.
P. O. Box 27705
Houston, Texas 77227

Dr. Guiberteau will be filling the unexpired term of Dr. Robert L. Clement, M.D. of Austin who resigned.

TO BE A MEMBER OF THE TEXAS AERONAUTICS COMMISSION:

For a term to expire February 1, 1993:

MAXEY GROSSENBACHER
P. O. Box 22
Harlingen, Texas 78551

Mr. Grossenbacher will be replacing Jack H. McCreary of Austin whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

**MOTION TO PLACE
SENATE BILL 105 ON SECOND READING**

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 105, Relating to the training and education of persons involved in property tax administration.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **S.B. 105** for consideration at this time.

The motion was lost by the following vote: Yeas 16, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Blake, Brown, Caperton, Edwards, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Sims, Tejeda, Uribe.

Nays: Anderson, Armbrister, Barrientos, Brooks, Farabee, Glasgow, Green, Johnson, Parker, Sarpalius, Truan, Whitmire, Zaffirini.

Absent: Santiesteban.

Absent-excused: Washington.

SENATE BILL 532 ON SECOND READING

Senator Caperton asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 532, Relating to the provision for spousal maintenance after the dissolution of certain marriages or putative marriages and providing enforcement procedures.

There was objection.

Senator Caperton then moved to suspend the regular order of business and take up **S.B. 532** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 5, Present-not voting, 1.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Henderson, Johnson, Jones, Krier, Leedom, Lyon, Parker, Parmer, Sarpalius, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brooks, Green, Harris, McFarland, Sims.

Present-not voting: Montford.

Absent: Glasgow, Santiesteban.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 532 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 532** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 3, Present-not voting 1.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Parker, Parmer, Sarpalius, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brooks, Green, Sims.

Present-not voting: Montford.

Absent: Glasgow, Santiesteban.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Brooks, Green, Harris, McFarland and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 261
ON SECOND READING**

Senator Barrientos moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 261, Relating to discharges of officers and employees of the Department of Public Safety and to political activities and campaigns.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Blake, Brown, Jones, Leedom, McFarland, Montford, Sims.

Absent: Parker.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment viva voce vote.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 261 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 261 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 22, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Anderson, Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Blake, Brown, Jones, Leedom, McFarland, Montford, Sims.

Absent: Parker.

Absent-excused: Washington.

**COMMITTEE SUBSTITUTE SENATE BILL 276
ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 276, Relating to the procedural and other rights of a fireman or policeman regarding an appeal of a department decision to the Fire Fighters' and Police Officers' Civil Service Commission.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 276** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 17, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 17. PROCEDURE BEFORE COMMISSION. (a) In order for a Fireman or Policeman to appeal to the Commission from any action for which an appeal or review is provided under the terms of this Act, it shall only be necessary for him to file within ten (10) days with the Commission an appeal setting forth the basis of his appeal. In any city having a population of 1.5 million or more according to the most recent federal census, in order for a Fireman or Policeman to appeal to the Commission from any action for which an appeal or review is provided under the terms of this Act, it shall only be necessary for him to file within fifteen (15) days

with the Commission an appeal setting forth the basis of his appeal. The appeal shall include a statement denying the truth of the charge as made, a statement taking exception to the legal sufficiency of such charges, a statement alleging that the recommended action does not fit the offense or alleged offense, or any combination of the statements, and in addition, a request for a hearing by the Commission.

(b) In all hearings, appeals, and reviews of every kind and character, wherein the Commission is performing an adjudicatory function, the employee shall have the right to be represented by counsel or any person of his choice. The employee may request the Commission to subpoena any books, records, documents, papers, accounts, or witnesses that the employee considers pertinent to his case. The request to have materials subpoenaed must be made at least ten (10) days before the date of the hearing. If the Commission does not subpoena the requested material, at least three (3) days prior to the hearing date, it shall make a written report to the employee stating the reason it will not subpoena the requested material, and this report shall be read into the public records of the Commission hearing.

(c) In any city with a population of 1.5 million according to the most recent federal census, not later than the fifteenth (15th) day before the date on which the hearing will be held, the Commission shall notify the employee of the date on which the Commission will hold the hearing. The Commission may not restrict the ability of the employee to subpoena relevant witnesses. Not later than the third (3rd) day after the date on which the employee receives the Commission's written refusal to subpoena materials, the employee may request in writing that the Commission hold a hearing relating to the reasons for the employee's subpoena request. The hearing relating to the reason for the subpoena request shall be held on the original appeal hearing date. If the subpoena request is overruled, the Commission may hear the employee's appeal on that date, or if the Commission finds that the ends of justice would be served by a continuance, it shall reschedule the hearing to the next regularly scheduled meeting and shall give the employee fifteen (15) days' notice of that date. If the Commission sustains the employee's subpoena request, it shall reschedule the employee's appeal hearing to the next regularly scheduled meeting and shall give the employee fifteen (15) days' notice of that date. In an appeal from an indefinite suspension where the Commission rescheduled a hearing the Commission shall render a decision in writing within sixty (60) days after it receives the notice of appeal. If the Commission does not hold the hearing on the subpoena request as prescribed by this subsection, the Commission shall sustain the employee's appeal.

(d) The witnesses may be placed under the rule. All such proceedings shall be public. The Commission shall consider only evidence submitted at the hearing. The Commission shall have the authority to issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of documentary material. The Commission shall maintain a permanent public record of all proceedings with copies available at cost.

SECTION 2. Subsection (h), Section 29, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes), is amended to read as follows:

(h) (1) A member may represent himself or obtain a representative at any time during the grievance procedure. The representative is not required to be an attorney. The representative is entitled to advise the member and is entitled to present any evidence or information for the member and shall not be prevented from fully participating in any of the proceedings. The city is not obligated to provide or pay the costs of providing representation.

(2) A member may take reasonable time off from a job assignment to file a grievance and attend a meeting or hearing. Time taken to pursue a grievance may not be charged against a member.

(3) Any of the parties may record any of the meetings or hearings during the grievance procedure.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 276
ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 276 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 563
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 563, Relating to limited partnerships.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **C.S.S.B. 563**, Sec. 11.04 by adding at the end of that section the following (page 26, line 66 of the printed bill):

A person shall be deemed to have been found liable in respect of any claim, issue, or matter only after the person shall have been so adjudged by a court of competent jurisdiction after exhaustion of all appeals.

and

Amending **C.S.S.B. 563**, Sec. 11.05 by inserting "(1)" between the words "indemnification" and "is" (page 67, line 5 of the printed bill), and adding a new subsection (2) at the end of the section that reads as follows (page 67, line 6 of the printed bill):

and (2) shall not be made in respect of any proceeding in which the person shall have been found liable for wilful or intentional misconduct in the performance of his duty to the limited partnership or the limited partners.

The amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 563
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 563 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 824
ON SECOND READING**

Senator Henderson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 824, Relating to bank loan fees.

There was objection.

Senator Henderson then moved to suspend the regular order of business and take up **C.S.S.B. 824** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5, Present-not voting 1.

Yeas: Anderson, Armbrister, Blake, Brooks, Brown, Caperton, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Santiesteban, Sarpalius, Sims, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Barrientos, Edwards, Green, Parmer, Truan.

Present-not voting: Farabee.

Absent-excused: Washington.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 a.m. on Thursday, March 26, 1987, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

SENATE BILL 1333 REREFERRED

On motion of Senator Santiesteban and by unanimous consent, **S.B. 1333** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Natural Resources.

SENATE RULE 103 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider **S.B. 610** today at 2:00 p.m.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 51, the President announced the appointment of the following as a Committee to Escort the Honorable C. Everett Koop, M.D., U.S. Surgeon General, to the Joint Session: Senators Brooks, Truan, Barrientos, Edwards and Uribe.

MOTION TO RECESS

On motion of Senator Brooks and by unanimous consent, the Senate agreed to take recess at the conclusion of tomorrow's Local Calendar session until 9:30 a.m. for the Joint Session. The Senate further agreed to recess at the conclusion of the Joint Session for a period of twenty minutes before convening again for tomorrow's session.

MEMORIAL RESOLUTIONS

S.R. 246 - By Parker, Barrientos: Memorial resolution for John Kenneth Threadgill.

S.R. 248 - By Glasgow: Memorial resolution for Donald Herbert (Ernie) Enax.

S.R. 249 - By Glasgow: Memorial resolution for Herbert Glasgow.

S.R. 250 - By Glasgow: Memorial resolution for Walton Eugene "Gene" Wise.

S.R. 251 - By Glasgow: Memorial resolution for Horace L. Geye.

S.R. 252 - By Glasgow: Memorial resolution for G. W. Alexander.

S.R. 254 - By Glasgow: Memorial resolution for Bill Joiner.

CONGRATULATORY RESOLUTIONS

S.R. 247 - By Lyon: Extending congratulations to Texas Ranger Stuart Dowell on his retirement.

S.R. 253 - By Glasgow: Extending congratulations to Betty Duncan on her retirement.

RECESS

On motion of Senator Brooks, the Senate at 12:13 p.m. took recess until 8:30 a.m tomorrow.

**In Memory
of
Lloyd M. Guffey**

Senator Caperton offered the following resolution:

(Senate Concurrent Resolution 72)

WHEREAS, With the death of former State Representative Lloyd M. Guffey on February 18, 1987, the State of Texas lost an outstanding public servant whose footsteps marked service and progress on every path he chose to follow; and

WHEREAS, Born in Durant, Oklahoma, this distinguished gentleman was raised in East Bernard, Texas; and

WHEREAS, During his five terms in the Texas House of Representatives he loyally and faithfully addressed the needs of his Wharton County and Jackson County constituency; and

WHEREAS, A man of great compassion and conviction, Mr. Guffey was an eloquent spokesman on behalf of the schoolchildren of Texas and our state's disabled citizens; and

WHEREAS, Hard working and dedicated to duty, he discharged his duties in a most exemplary manner; and

WHEREAS, First and foremost a loving husband and father, Mr. Guffey and his late wife, Lillie Mae Schneider, were proud of the accomplishments of their children, Gattis C. Guffey and Gayle A. Guffey; and

WHEREAS, His wise counsel and good judgment will be sorely missed and forever gratefully remembered by all who knew him; and

WHEREAS, The varied and notable achievements of this distinguished gentleman in the realm of civic betterment have contributed immensely to the dynamic growth and progress of his beloved state; and

WHEREAS, A loyal friend and companion, his memory will remain forever embedded in the hearts and minds of all who knew him; now, therefore, be it

RESOLVED, That the 70th Legislature of the State of Texas hereby honor the memory of this outstanding adopted son of Texas and extend sincere condolences to the members of his family: his son, Gattis C. Guffey; his daughter, Gayle A. Guffey; and his grandchildren, Manning Guffey, Grey Guffey, Kaela Guffey, Sarah Minchew, and Amanda Guffey Minchew; and, be it further

RESOLVED, That copies of this resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Legislature, and that when the Legislature adjourns this day, it do so in memory of Lloyd M. Guffey.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**In Memory
of
W. W. "Woody" Callan**

Senator Caperton offered the following resolution:

(Senate Resolution 245)

WHEREAS, The State of Texas lost one of its most esteemed citizens with the death of respected business and civic leader W. W. "Woody" Callan, who died March 18, 1987; and

WHEREAS, A native Texan, Mr. Callan was born May 12, 1905, in Valley Mills, Texas; and

WHEREAS, After graduating from Waco High School, he attended Baylor University and Toby's Business College; and

WHEREAS, Armed only with dreams and visions, Mr. Callan established Central Freight Lines in 1925; destined to become the largest intrastate carrier in Texas with more than 100 terminals and 4,500 employees, the company began with one truck and one driver; and

WHEREAS, Bold, imaginative, and farsighted, Mr. Callan's achievements in the trucking industry were recognized by the American Truck Historical Society which named him Pioneer Trucker of the Year in 1980; and

WHEREAS, Proud of his profession and determined to uphold its high standards, he actively participated in state and national transportation organizations; and

WHEREAS, A loyal and patriotic citizen, he gallantly served his country in the United States Army during World War II; and

WHEREAS, Concerned about the welfare and progress of his community, he had served with great distinction as president of the Waco Chamber of Commerce and the East Texas Chamber of Commerce; and

WHEREAS, The success of this outstanding individual was not limited to the worldly fields of business but extended to his character as an upright and respected man of high principle; and

WHEREAS, The varied and notable achievements of this distinguished gentleman in the realm of business and civic affairs contributed immensely to the dynamic growth and progress of his beloved state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby pay tribute to the life of this outstanding Texan and extend sincere condolences to the members of his family: his wife, Kathleen Clinton Seale Callan; his son, Woody Callan, Jr.; his daughter, Diana C. Braswell; and his five grandchildren and four great-grandchildren; and, be it further

RESOLVED, That copies of this resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of W. W. "Woody" Callan.

CAPERTON
EDWARDS

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.